

CLOSED

U.S. District Court
United States District Court for the Western District of Washington (Seattle)
CIVIL DOCKET FOR CASE #: 2:06-cv-01301-JCC

Milner v. United States Department of the Navy
Assigned to: Judge John C Coughenour
Cause: 05:552 Freedom of Information Act

Date Filed: 09/11/2006
Date Terminated: 07/17/2012
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff**Glen Scott Milner**

represented by **David Scott Mann**
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V.

Defendant**United States Department of the Navy**

represented by **Peter Angus Winn**
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Date Filed	#	Docket Text
09/11/2006	<u>1</u>	COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF FOR VIOLATION OF THE FREEDOM OF INFORMATION ACT against defendant United States Department of the Navy (Summons(es) issued) (Receipt # SEA3835) , filed by Glen Scott Milner. (Attachments: # <u>1</u> Civil Cover Sheet)(MKB) (Entered: 09/12/2006)
09/12/2006	<u>2</u>	NOTICE OF INITIAL ASSIGNMENT TO A US MAGISTRATE JUDGE AND CONSENT FORM. If consent, return the executed form by 10/24/2006. Please Note: Consents must <u>not</u> be electronically filed with the Court. (MKB) (Entered: 09/12/2006)
09/12/2006	<u>4</u>	CERTIFICATE OF SERVICE re <u>1</u> Summons and Complaint. (LT,) (Entered: 09/14/2006)
09/13/2006	<u>3</u>	ORDER REGARDING INITIAL DISCLOSURES, JOINT STATUS REPORT AND EARLY SETTLEMENT. FRCP 26f Conference Deadline is 10/10/2006. Initial Disclosure Deadline is 10/17/2006. Joint Status Report due by 10/24/2006; by Judge James P. Donohue. (PV,) (Entered: 09/13/2006)
10/06/2006	<u>5</u>	STIPULATION AND PROPOSED ORDER <i>for Extension of Time to File Answer to Complaint</i> by parties. (Winn, Peter) (Entered: 10/06/2006)

10/06/2006	<u>6</u>	STIPULATION AND ORDER re <u>5</u> Stipulation filed by Defendant, United States Department of the Navy, for Extension of Time to File Answer to Complaint is GRANTED. Defendant's Answer is due on or before 11/11/2006. Signed by Magistrate Judge James P. Donohue.(BH) (Entered: 10/06/2006)
11/03/2006	<u>7</u>	ANSWER to Complaint by United States Department of the Navy.(Winn, Peter) (Entered: 11/03/2006)
11/20/2006	<u>8</u>	STIPULATION AND PROPOSED ORDER <i>Establishing Briefing Schedule</i> by parties. (Attachments: # <u>1</u> Proposed Order)(Winn, Peter) (Entered: 11/20/2006)
11/20/2006	<u>11</u>	MINUTE ORDER REASSIGNING CASE. Case reassigned to Judge John C Coughenour for all further proceedings. Magistrate Judge James P. Donohue no longer assigned to case. Signed by Judith A Thomas at the direction of Clerk of Court, Bruce Rifkin. (JT,) Additional attachment(s) added on 11/20/2006 (JT,). (Entered: 11/20/2006)
11/20/2006	<u>10</u>	NOTICE of Corrected Image/Document re 9 Order Reassigning Case. (Service of corrected image is attached). (JT,) (Entered: 11/20/2006)
12/11/2006	<u>12</u>	MINUTE ENTRY setting status conference: The attorney who will be responsible for trying the case should attend the conference and be prepared to discuss the following matters at the conference: 1. The nature of the case, 2. The status of matters which are presently set before the Court, e.g., hearings, motions, etc., 3. The status of discovery and a time schedule for its completion, 4. A statement of any legal issues about which motions are contemplated and a possible briefing schedule, 5. An estimate of the number of days needed for trial, 6. Whether the case is jury or non-jury, 7. The date by which the case will be ready for trial, and 8. Settlement probabilities. Counsel for all parties are required to appear at the conference. If counsel office is outside of Seattle, arrangements can be made for telephonic participation in the conference. If counsel wish to make such arrangements, they should contact Julie Mahnke, Deputy Clerk at 206-370-8805. COUNSEL FOR THE PLAINTIFF IS DIRECTED TO NOTIFY ALL PARTIES OF THE DATE AND TIME OF THE SCHEDULED CONFERENCE. Status Conference set for 1/18/2007 at 09:00 AM before John C Coughenour. (JM,) (Entered: 12/11/2006)
12/11/2006	<u>13</u>	ORDER REGARDING DISCOVERY AND DEPOSITIONS by Judge John C Coughenour. (JM,) (Entered: 12/11/2006)
01/03/2007	<u>14</u>	ORDER: The Parties' <u>8</u> Agreed Motion for Order Establishing Briefing Schedule is hereby GRANTED, by Judge John C Coughenour. (LT,) (Entered: 01/04/2007)
01/17/2007	<u>15</u>	STIPULATION AND PROPOSED ORDER <i>Modifying Briefing Schedule</i> by parties. (Winn, Peter) (Entered: 01/17/2007)
01/18/2007	<u>16</u>	MINUTE ENTRY for proceedings held before Judge John C Coughenour – Dep Clerk: <i>Mahnke</i> ; Pla Counsel: <i>George</i> ; Def Counsel: <i>Winn</i> ; CR: <i>Laurie Briggs</i> ; Counsel advise the court they have submitted a stipulated briefing schedule. Status Conference held on 1/18/2007. (JM,) (Entered: 01/18/2007)
01/19/2007	<u>18</u>	STIPULATION AND ORDER Modifying Briefing Schedule, by Judge John C Coughenour. (LT,) (Entered: 01/19/2007)
02/14/2007	<u>19</u>	STIPULATION AND PROPOSED ORDER <i>Amending Briefing Schedule</i> by parties. (Winn, Peter) (Entered: 02/14/2007)
02/16/2007	<u>20</u>	STIPULATION AND ORDER amending briefing schedule re <u>19</u> Stipulation filed by United States Department of the Navy, by Judge John C Coughenour. (MD,) (Entered: 02/16/2007)
03/16/2007	<u>21</u>	NOTICE of Filing Administrative Record in Paper or Physical Form with the Clerk's Office by Defendant United States Department of the Navy. (Winn, Peter) (Entered: 03/16/2007)
03/16/2007	<u>22</u>	MOTION for Summary Judgment by Defendant United States Department of the Navy. Oral Argument Requested. (Attachments: # <u>1</u> Exhibit 1: Whitbred Declaration# <u>2</u> Exhibit 2: Robinson Declaration# <u>3</u> Exhibit 3 Map of Naval

		Magazine Indian Island# <u>4</u> Exhibit 4: Map of Vicinity# <u>5</u> Proposed Order)Noting Date 5/11/2007.(Winn, Peter) (Entered: 03/16/2007)
03/19/2007	<u>23</u>	ADMINISTRATIVE RECORD filed by Defendant United States Department of the Navy. The record is available in paper format at the Clerk's Office (CL,) (Entered: 03/19/2007)
04/10/2007	<u>24</u>	STIPULATION AND PROPOSED ORDER <i>AMENDING BRIEFING SCHEDULE</i> by parties. (Mann, David) (Entered: 04/10/2007)
04/17/2007	<u>25</u>	STIPULATION AND ORDER AMENDING BRIEFING SCHEDULE, by Judge John C Coughenour. The Court RE-NOTES for 7/13/07 Dft's MOTION for Summary Judgment, docket no. <u>22</u> .(CL,) (Entered: 04/17/2007)
06/08/2007	<u>26</u>	STIPULATION AND PROPOSED ORDER <i>AMENDING BRIEFING SCHEDULE</i> by parties. (Winn, Peter) (Entered: 06/08/2007)
06/12/2007	<u>27</u>	STIPULATION AND ORDER AMENDING BRIEFING SCHEDULE, by Judge John C Coughenour. The Court RE-NOTES for 8/31/2007 Dft's MOTION for Summary Judgment, Docket no. <u>22</u> .(TS,) (Entered: 06/13/2007)
07/06/2007	<u>29</u>	Amended MOTION for Summary Judgment by Defendant United States Department of the Navy. Oral Argument Requested. (Attachments: # <u>1</u> Exhibit Whitbread Declaration# <u>2</u> Exhibit Adams Declaration# <u>3</u> Exhibit Robinson Declaration# <u>4</u> Exhibit Supplemental Robinson Declaration# <u>5</u> Exhibit Map of Naval Magazine Indian Island# <u>6</u> Exhibit Map of Indian Island and Vicinity# <u>7</u> Vaughn Index)Noting Date 8/31/2007.(Winn, Peter) (Entered: 07/06/2007)
07/09/2007		***Motion terminated: <u>22</u> MOTION for Summary Judgment filed by United States Department of the Navy. Replaced by Amend Motion for Summary Judgment, filed under docket no. <u>29</u> . (CL,) (Entered: 07/09/2007)
08/03/2007	<u>30</u>	RESPONSE, by Plaintiff Glen Scott Milner, to <u>29</u> Amended MOTION for Summary Judgment. (Attachments: # <u>1</u> Proposed Order)(George, Katherine) (Entered: 08/03/2007)
08/03/2007	<u>31</u>	DECLARATION of Glen Scott Milner filed by Plaintiff Glen Scott Milner re <u>29</u> Amended MOTION for Summary Judgment (George, Katherine) (Entered: 08/03/2007)
08/03/2007	<u>32</u>	DECLARATION of Phil Johnson filed by Plaintiff Glen Scott Milner re <u>29</u> Amended MOTION for Summary Judgment (George, Katherine) (Entered: 08/03/2007)
08/03/2007	<u>33</u>	DECLARATION of Katherine George filed by Plaintiff Glen Scott Milner re <u>29</u> Amended MOTION for Summary Judgment (George, Katherine) (Entered: 08/03/2007)
08/03/2007	<u>34</u>	CERTIFICATE OF SERVICE by Plaintiff Glen Scott Milner re <u>33</u> Declaration, <u>32</u> Declaration, <u>30</u> Response to Motion, <u>31</u> Declaration. (George, Katherine) (Entered: 08/03/2007)
08/17/2007	<u>35</u>	REPLY, filed by Defendant United States Department of the Navy, TO RESPONSE to <u>29</u> Amended MOTION for Summary Judgment (Attachments: # <u>1</u> Exhibit Supplemental Whitbred Declaration# <u>2</u> Exhibit Klein Declaration# <u>3</u> Exhibit Smith Declaration)(Winn, Peter) (Entered: 08/17/2007)
08/31/2007	<u>37</u>	REPLY, filed by Plaintiff Glen Scott Milner, TO RESPONSE to <u>29</u> Amended MOTION for Summary Judgment (George, Katherine) (Entered: 08/31/2007)
08/31/2007	<u>38</u>	Supplemental DECLARATION of Glen Scott Milner filed by Plaintiff Glen Scott Milner re <u>29</u> Amended MOTION for Summary Judgment (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B-E)(George, Katherine) (Entered: 08/31/2007)
08/31/2007	<u>39</u>	Supplemental DECLARATION of Katherine George filed by Plaintiff Glen Scott Milner re <u>29</u> Amended MOTION for Summary Judgment (Attachments: # <u>1</u> Exhibit A)(George, Katherine) (Entered: 08/31/2007)

10/30/2007	<u>41</u>	ORDER by Judge John C Coughenour. The Court GRANTS Defendant's <u>29</u> Motion for Summary Judgment and DENIES Plaintiff's cross-motion. (TS,) (Entered: 10/30/2007)
10/30/2007	<u>42</u>	JUDGMENT IN A CIVI CASE/DECISION BY COURT – IT IS ORDERED AND ADJUDGED: Summary Judgment is granted in favor of the Defendant. Plaintiff's claims are DISMISSED with with prejudice. (TS,) (Entered: 10/30/2007)
12/14/2007	<u>43</u>	Civil Appeals Docketing Statement, by Plaintiff Glen Scott Milner, to be transmitted by Clerk to Circuit Court of Appeals. (George, Katherine) (Entered: 12/14/2007)
12/14/2007	<u>44</u>	NOTICE OF APPEAL (07-36056) as to <u>42</u> Judgment by Court, <u>41</u> Order on Motion for Summary Judgment by Plaintiff Glen Scott Milner. (George, Katherine) Modified on 12/20/2007; added CCA case number (LMK,). (Entered: 12/14/2007)
12/14/2007	<u>45</u>	CERTIFICATE OF SERVICE by Plaintiff Glen Scott Milner re <u>43</u> Civil Appeals Docketing Statement, <u>44</u> Notice of Appeal. (George, Katherine) (Entered: 12/14/2007)
12/17/2007		Appeal Fees NOT received: re <u>44</u> Notice of Appeal filed by Glen Scott Milner (LMK,) (Entered: 12/17/2007)
12/17/2007	<u>46</u>	CERTIFICATE OF RECORD Transmitted to USCA re <u>44</u> Notice of Appeal (LMK,) Modified on 12/18/2007; Certificate of Record filed in error (LMK,). (Entered: 12/17/2007)
12/17/2007	<u>47</u>	APPEAL NOTIFICATION packet sent to US Court of Appeals re <u>44</u> Notice of Appeal (Attachments: # <u>1</u> Docket)(LMK,) (Entered: 12/17/2007)
12/18/2007		NOTICE of Docket Text Modification re <u>46</u> Certificate of Record : Certificate of Record filed in error. (LMK,) (Entered: 12/18/2007)
12/18/2007		Appeal Remark re <u>44</u> Notice of Appeal; Representation Statement was attached to Notice of Appeal. Notified Court of Appeals that Representation Statement is attached to Notice of Appeal. (LMK,) (Entered: 12/18/2007)
12/18/2007		Appeal Fees received: fee in the amount of \$ 455 (receipt # SEA14237) re <u>44</u> Notice of Appeal filed by Glen Scott Milner (LMK,) (Entered: 12/18/2007)
12/19/2007	<u>48</u>	TIME SCHEDULE ORDER (07-36056) as to <u>44</u> Notice of Appeal filed by Glen Scott Milner : Appellant shall notify Appellee regarding transcripts by 12/24/07; Appellee to notify Appellant regarding any additional transcripts by 01/03/08; Transcript designation due by 01/14/08; Transcript by court reporter due by 02/13/08; Appellants opening brief due by 03/31/08; Appellees response brief due by 04/30/08; Appellants optional reply brief due within 14 days of service of the response brief. (LMK,) (Entered: 12/20/2007)
01/29/2009		CLERK'S RECORD ON APPEAL transmitted to US Court of Appeals re <u>44</u> Notice of Appeal (administrative record) (SA) (Entered: 01/29/2009)
08/05/2009	<u>49</u>	OPINION of USCA (07-36056) as to <u>44</u> Notice of Appeal filed by Glen Scott Milner (SA) (Entered: 08/05/2009)
09/29/2009	<u>50</u>	ORDER of USCA (07-36056) as to <u>44</u> Notice of Appeal filed by Glen Scott Milner Response brief to be filed by 9/24/09, not exceed 30 pages or 8400 words. See order for further instruction.(SA) (Entered: 09/29/2009)
12/22/2009	<u>51</u>	ORDER of USCA (07-36056) as to <u>44</u> Notice of Appeal filed by Glen Scott Milner (LMK) (Entered: 12/22/2009)
12/31/2009	<u>52</u>	MANDATE of USCA (07-36056) as to <u>44</u> Notice of Appeal filed by Glen Scott Milner, The judgment of this Court, entered 8/5/09, takes effect this date. (SA) (Entered: 12/31/2009)
02/17/2010	<u>53</u>	NOTICE of Change of Address of Attorney David Scott Mann. Filed by Plaintiff Glen Scott Milner. (Mann, David) (Entered: 02/17/2010)

03/09/2010	<u>54</u>	NOTICE of Unavailability of counsel David Scott Mann for Plaintiff Glen Scott Milner from 04/14/2010 to 05/06/2010. (Mann, David) (Entered: 03/09/2010)
03/25/2010		Appeal Record Returned: 1 expando (SA) (Entered: 03/25/2010)
09/22/2010		CLERK'S RECORD ON APPEAL transmitted to US SUPREME COURT re <u>44</u> Notice of Appeal (1 expando) (SA) (Entered: 09/22/2010)
05/10/2011	<u>56</u>	Letter from Supreme Court of the United States returning Admin Record to WAWD. The record is filed in the Clerk's Office near the Case Administrator team. (TF) signed acknowledgement and returned to Supreme Court via USPS (Entered: 05/12/2011)
05/11/2011	<u>55</u>	OPINION of USCA (NOT THE MANDATE 07-36056) as to <u>44</u> Notice of Appeal filed by Glen Scott Milner REVERSED and REMANDED. (SA) (Entered: 05/11/2011)
06/08/2011	<u>57</u>	STIPULATION AND PROPOSED ORDER <i>Establishing Briefing Schedule</i> by parties re <u>55</u> Order of USCA. (Winn, Peter) (Entered: 06/08/2011)
07/05/2011	<u>58</u>	MANDATE of USCA (07-36056) as to <u>44</u> Notice of Appeal filed by Glen Scott Milner. The judgment of this Court, entered May 11, 2011, takes effect this date. REVERSED and REMANDED (SA) (Entered: 07/05/2011)
07/20/2011	<u>59</u>	STIPULATION AND PROPOSED ORDER <i>Establishing Briefing Schedule</i> by parties. (Winn, Peter) (Entered: 07/20/2011)
07/21/2011	<u>60</u>	MINUTE ORDER by Judge John C Coughenour, United States District Judge; The parties' <u>59</u> Stipulation Establishing Briefing Schedule is accepted. (TF) (Entered: 07/22/2011)
08/23/2011	<u>61</u>	STIPULATION AND PROPOSED ORDER <i>MODIFYING BRIEFING SCHEDULE</i> by parties re <u>59</u> Stipulation, <u>60</u> Minute Order. (Winn, Peter) (Entered: 08/23/2011)
08/26/2011	<u>62</u>	MINUTE ORDER by John C. Coughenour, United States District Judge. The Court ACCEPTS the parties' stipulation to modify the briefing schedule, docket no. <u>61</u> . (CL) (Entered: 08/29/2011)
09/02/2011	<u>63</u>	MOTION for Summary Judgment by Defendant United States Department of the Navy. (Attachments: # <u>1</u> Martin Declaration, # <u>2</u> Joint Appendix (US Supreme Ct)) Noting Date 11/4/2011, (Winn, Peter) (Entered: 09/02/2011)
09/23/2011	<u>64</u>	Agreed MOTION for Extension of Time <i>For Briefing Schedule on Cross Motions For Summary Judgment</i> by Plaintiff Glen Scott Milner. Noting Date 9/23/2011, (Mann, David) (Entered: 09/23/2011)
09/29/2011	<u>65</u>	MINUTE ORDER by Judge John C Coughenour, United States District Judge; The Court GRANTS the parties' <u>64</u> Stipulation and RENOTES the Navy's <u>63</u> MOTION for Summary Judgment: Noting Date 12/2/2011. Milner's cross-motion for summary judgment, due on 10/28/2011, shall be noted for 12/2/2011 as well. (TF) (Entered: 09/29/2011)
10/28/2011	<u>66</u>	RESPONSE, by Plaintiff Glen Scott Milner, to <u>63</u> MOTION for Summary Judgment. Oral Argument Requested. (Mann, David) (Entered: 10/28/2011)
10/28/2011	<u>67</u>	Third DECLARATION of Glen Scott Milner filed by Plaintiff Glen Scott Milner re <u>63</u> MOTION for Summary Judgment (Mann, David) (Entered: 10/28/2011)
11/11/2011	<u>68</u>	Stipulated MOTION <i>to Modify Briefing Schedule</i> by Defendant United States Department of the Navy. Noting Date 11/11/2011, (Winn, Peter) (Entered: 11/11/2011)
11/16/2011	<u>69</u>	MINUTE ORDER by Judge John C Coughenour, United States District Judge; The Court GRANTS the parties' <u>68</u> Stipulated Motion to Modify Briefing Schedule; The Navy's <u>63</u> MOTION for Summary Judgment and Milner's <u>66</u> Cross-Motion for Summary Judgment are RENOTED: Noting Date 12/16/2011. (TF) (Entered: 11/16/2011)

12/02/2011	<u>70</u>	REPLY, filed by Defendant United States Department of the Navy, TO RESPONSE to <u>63</u> MOTION for Summary Judgment (Attachments: # <u>1</u> Cmdr. Martin Supp. Dec.)(Winn, Peter) (Entered: 12/02/2011)
12/16/2011	<u>71</u>	REPLY, filed by Plaintiff Glen Scott Milner, TO RESPONSE to <u>63</u> MOTION for Summary Judgment (Mann, David) (Entered: 12/16/2011)
01/17/2012	<u>72</u>	NOTICE OF SUPPLEMENTAL AUTHORITY ; filed by Defendant United States Department of the Navy. (Attachments: # <u>1</u> New 10 U.S.C. 130e)(Winn, Peter) (Entered: 01/17/2012)
02/08/2012	<u>73</u>	MINUTE ORDER by John C. Coughenour, United States District Judge. The Court STRIKES Defendant's motion for summary judgment. (Dkt. No. <u>63</u> .) (CL) (Entered: 02/09/2012)
03/22/2012	<u>74</u>	MINUTE ENTRY re: STATUS CONFERENCE. The attorney who will be responsible for trying the case should attend the conference and be prepared to discuss the following matters at the conference: 1. The nature of the case; 2. The status of matters which are presently set before the Court, e.g., hearings, motions, etc.; 3. The status of discovery and a time schedule for its completion; 4. A statement of any legal issues about which motions are contemplated and a possible briefing schedule; 5. An estimate of the number of days needed for trial; 6. Whether the case is jury or non-jury; 7. The date by which the case will be ready for trial; 8. Settlement probabilities; and 9. Whether the parties consent to proceed to trial before an assigned magistrate judge pursuant to 28 U.S.C. 636(c). If counsel's office is outside of the Greater Metropolitan Seattle area, arrangements may be made to participate telephonically in the conference by contacting the Courtroom Deputy Clerk at (206) 370-8805 no less than ONE WEEK prior to the proceeding. COUNSEL FOR THE PLAINTIFF IS DIRECTED TO NOTIFY ALL PARTIES OF THE DATE AND TIME OF THE SCHEDULED STATUS CONFERENCE. The Court hereby orders counsel to appear for a Status Conference set for 5/8/2012 at 09:00 AM in Courtroom 16206 before the Honorable John C. Coughenour, United States District Judge. (PP) (Entered: 03/22/2012)
05/03/2012	<u>75</u>	Stipulated MOTION for Briefing Schedule by Defendant United States Department of the Navy. (Attachments: # <u>1</u> Proposed Order) Noting Date 5/3/2012, (Winn, Peter) (Entered: 05/03/2012)
05/04/2012	<u>76</u>	ORDER by Judge John C Coughenour; The Court GRANTS the parties' <u>75</u> Agreed Motion to Establish a Briefing Schedule. The Status Conference scheduled for 5/8/2012 is VACATED. (TF) (Entered: 05/04/2012)
07/13/2012	<u>77</u>	Stipulated MOTION Dismissing Case and Establishing Briefing Schedule on Question of Fees by Defendant United States Department of the Navy. (Attachments: # <u>1</u> Proposed Order) Noting Date 7/13/2012, (Winn, Peter) (Entered: 07/13/2012)
07/17/2012	<u>78</u>	ORDER by Judge John C Coughenour; The parties having notified the Court that the underlying merits of this case have been resolved, this case is HEREBY DISMISSED. (TF) (Entered: 07/17/2012)